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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CENTER FOR BIOLOGICAL
DIVERSITY,

Plaintiff,

v.

U.S. BUREAU OF LAND
MANAGEMENT,

Defendant.

Case No. 19-CV-01611-EJD

**STIPULATION AND ~~PROPOSED~~ ORDER
ON CASE MANAGEMENT**

In accordance with the Court's Order, ECF No. 42, Plaintiff Center for Biological Diversity and Defendant Bureau of Land Management ("BLM") file this Stipulation regarding Case Management and Next Steps.

WHEREAS, Plaintiff Center for Biological Diversity asserted claims for declaratory and injunctive relief under the Freedom of Information Act ("FOIA") and the Administrative Procedure Act ("APA") arising out of Defendant Bureau of Land Management's alleged failures in processing and responding to Plaintiff's FOIA request.

WHEREAS, Defendant completed its principal FOIA production on September 3, 2020. *See* ECF No. 32.

WHEREAS, Defendant completed its supplemental FOIA production on January 25, 2021. *See* ECF No. 38.

WHEREAS, in a parallel proceeding, Center for Biological Diversity's Central Coast RMPA/NEPA case, Case No. 19-cv-7155 (N.D. Cal.), BLM made corresponding document productions for the Administrative Record, and it served a privilege log.

WHEREAS, the Parties do not believe it would be productive to serve a *Vaughn* index in this case, due to the expected similarities between the privilege log in 19-cv-7155 and the *Vaughn* index in this case.¹

WHEREAS, in this case, the Parties do not have any disputes about the sufficiency of BLM's FOIA Production.

WHEREAS, the Parties believe that this FOIA case can be dismissed, upon resolution of the fees and costs issues.

WHEREAS, the Parties met and conferred by telephone on July 29, 2021.

WHEREAS, Parties have significantly progressed negotiations on the fees and costs issues, but require additional time to finalize an agreement.

THEREFORE, Plaintiff Center for Biological Diversity and Defendant Bureau of Land Management hereby stipulate, by and through their counsel of record, to the following terms addressing case management.

1. Further Proceedings.

The Parties have an additional 28 days (*i.e.*, until September 9, 2021) to continue meet and confer about costs and fees issues, including (1) whether to stipulate to a process for resolving any disputes regarding fees/costs, (2) whether to seek a Case Management Conference, or (3) whether the parties should ask the Court to appoint a magistrate judge to assist the parties in resolving any disputes about fees/costs.

The parties shall file a stipulation or other document with the Court about next steps for this litigation within 35 days (*i.e.*, September 16, 2021).

2. Vacating the Case Management Conference.

If the Court approves this Stipulation, the parties request that the Court vacate the Case

¹ The Parties acknowledge that the privilege log does not include certain information specific to documents withheld under FOIA. *See* ECF No. 39 at 2 n.1.

1 Management Conference currently scheduled for August 26, 2021; vacate the August 16, 2021 deadline
2 for a Case Management Statement; and reschedule the Case Management
3 Statement to a date not before September 23, 2021. *See* ECF No. 42.

4
5 **IT IS SO STIPULATED,**

6 Respectfully submitted,

7 Dated: August 12, 2021

8 STEPHANIE M. HINDS
9 Acting United States Attorney

10 By: /s/ Christopher F. Jeu
11 Christopher F. Jeu
12 Assistant United States Attorney
Attorneys for Defendant
U.S. Bureau of Land Management

13 *As the ECF User whose identification and password are being used to file this Stipulation, I attest under*
14 *penalty of perjury that Defendant's counsel has concurred in the filing of this document.*

15 By: /s/ Clare Lakewood
16 CLARE LAKEWOOD (CA. Bar No. 298479)
17 AMY R. ATWOOD (admitted *pro hac vice*)
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~~PROPOSED ORDER~~

The Court has considered the parties' stipulation on case management and FOIA record production. ECF No. 43. For good cause appearing, the Court orders as follows:

1. Further Proceedings.


The Parties have an additional 28 days (*i.e.*, until September 9, 2021) to meet and confer about costs and fees issues, including (1) whether to stipulate to a process for resolving any disputes regarding fees/costs, (2) whether to seek a Case Management Conference, or (3) whether the parties should ask the Court to appoint a magistrate judge to assist the parties in resolving any disputes about fees/costs. The parties shall file a stipulation or other document with the Court about next steps for this litigation within 35 days (*i.e.*, September 16, 2021).

2. Case Management Conference.

a. The Case Management Conference set for August 26, 2021 is continued until October 7, 2021 . The deadline to file a Joint Case Management Statement is continued to no later than Sept. 27 .

IT IS SO ORDERED,

Dated: August 12, 2021


Hon. EDWARD J. DAVILA
United States District Judge